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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,459	10/18/1999	DENNIS G. PRIDDY	11104.2	2836

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ORRICK HERRINGTON & SUTCLIFFE LLP  
666 FIFTH AVENUE  
NEW YORK, NY 101030001

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT PAPER NUMBER

2622

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/420,459

Applicant(s)

PRIDDY, DENNIS G.

Examiner

LUONG T. NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 14-16, 23, 24, 27-29 and 36-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 14, 23, 24, 27, 28 and 37-39 is/are allowed.
- 6) ☒ Claim(s) 15 and 36 is/are rejected.
- 7) ☒ Claim(s) 16, 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Response, filed 10/16/2006, with respect to the rejection(s) of claim(s) 15, 16, 36 under 35 U.S.C. 102(e) as being anticipated by Hsu (EP 0924657) has been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly founded references Maes et al (US 6,016,476) and Chevallier (US 6,879,340). Noted that since claim 15 has not been amended after the non-final action mailed on 12/14/2005, this action is made as non-final action.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 36 (line 2) recites the limitation "said" in "said biometric automatic identification indicia". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maes et al. (US 6,016,476) in view of Chevallier (US 6,879,340).

Regarding claim 15, Maes et al. discloses a portable wireless communications device (PDA device 10, figure 1, column 4, lines 65-67, column 6, lines 5-15) comprising a personal database secure to all but a specified user (memory 14 for storing financial and personal information, figure 1, column 5, lines 60-65), a sensor responsive to a biometric attribute (biometric sensor 40, figure 1, column 5, lines 44-67), and a processor (biometric processor module 22, figure 1, column 5, lines 10-24) responsive to said biometric sensor and said secure personal database for verifying a sensed biometric attribute sent by said biometric sensor, and granting access to said personal database on biometric verification (the data from biometric sensor 40 is processed by the biometric processor module 22 to provide user verification prior to accessing the financial and personal information stored in memory 14, figure 1, column 5, lines 54-67).

Maes et al. fails to specifically disclose a multi-function integrated semiconductor device having integrated in a single integrated circuit a personal database (memory), a biometric sensor, and a processor. However, Chevallier teaches CMOS technology, which allows the fabrication of a single chip set having CMOS imager 14, non-volatile memory 34, DSP 24, microcontroller

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22, A/D converter 16, D/A converter 26, support circuits 108, figure 3, column 6, lines 19-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Maes et al. by the teaching of Chevallier in order to allow a lower cost for the device and makes the device is more compact in size (column 2, lines 35-44).

*Allowable Subject Matter*

6. Claims 1, 2-8, 14, 23-24, 27-28, 37-39 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1, 2-8, 14, 23-24, 27-28, 37, see Examiner's statement of reasons for allowance as indicated in Paper mailed on 12/14/2005.

Regarding claims 38-39, see Examiner's statement of reasons for allowance as indicated in Paper mailed on 9/19/2006.

7. Claims 16, 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claim 36 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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11/02/06

  
DAVID OMETZ  
SUPERVISORY PATENT EXAMINER